

Issued November 30, 1912.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1767.

(Given pursuant to section 4 of the Food and Drugs Act.)

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### ADULTERATION AND MISBRANDING OF APRICOT CORDIAL.

On April 15, 1912, the United States Attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Continental Distributing Co., a corporation, Seattle, Wash., alleging that said company, on or about March 31, 1911, knowingly, willfully, and unlawfully sold under a guaranty and delivered, in violation of the Food and Drugs Act, a quantity of adulterated and misbranded apricot cordial, which, on the same date, without having been changed in any particular, was shipped by the purchaser from the State of Washington into the Territory of Alaska. The product was labeled: "High Grade Flavored Apricot Cordial. Guaranteed under the National Pure Food and Drugs Act. Serial No. 4621."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity, 18° C., 1.0070; alcohol (per cent by volume), 33.4; solids (grams per 100 cc), 12.51; nonsugar solids (grams per 100 cc), 0.14; sucrose, by Clerget (grams per 100 cc), 12.28; reducing sugar invert (grams per 100 cc), 0.09; polarization direct temperature 20° C., +12.4° V; polarization invert temperature 20° C., -3.8° V; ash (grams per 100 cc), 0.009; acid, as tartaric (grams per 100 cc), 0.002; lead precipitate, none; color removed by fuller's earth, 75 per cent; caramel, present; flavor resembles apricot fruit or kernels; esters (parts per 100,000), original 2.64, calculated to proof 3.8; acids as acetic (parts per 100,000), original 1.2, calculated to proof 1.7; aldehyde, none; furfural, none; fusel oil, none. Adulteration was alleged in the information for the reason that a substance, to wit, an imitation apricot cordial, had been mixed and packed with the product in such manner as to reduce, lower, and injuriously affect its quality and strength; and further, in that a substance, to wit, an imitation apricot cordial,

had been substituted in part for the product; and further that the same was colored in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the statement "High Grade Apricot Cordial" borne on the label thereof was false and misleading because it would mislead and deceive the purchaser into the belief that the product was a high-grade apricot cordial made from the fruit, whereas in truth and in fact it was an imitation apricot cordial; and it was further misbranded in that the statement "Guaranteed under the National Pure Food and Drugs Act, Serial No. 4621", borne on the label thereof, was false and misleading, because it would mislead and deceive the purchaser into the belief that the product was guaranteed by the United States Government, whereas in truth and in fact it was not guaranteed by the United States Government.

On May 6, 1912, the defendant company entered a plea of guilty and the court imposed a fine of \$20 and costs, taxed at \$24.08.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 16, 1912.*

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